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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,108	10/31/2003	Michael Altenhofen	13909-055001 / 2000E00019	8924
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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER JACKSON, JENISE E				
ART UNIT		PAPER NUMBER		
2439				
NOTIFICATION DATE		DELIVERY MODE		
12/11/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**Office Action Summary****Application No.**

10/698,108

**Applicant(s)**

ALTENHOFEN, MICHAEL

**Examiner**

JENISE E. JACKSON

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11, 13-21 and 23-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 20,21 and 23-28 is/are allowed.  
6) ☒ Claim(s) 1,3-9,11 and 13-19 is/are rejected.  
7) ☒ Claim(s) 10 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Floyd et al(6,243,692).

3. As per claims 1, 11, Floyd discloses a method performed on a client of enabling an application core(i.e. protection module) of a software application(see col. 2, lines 1-14) with access version-specific functionality(see col. 3, lines 52-66), sending to a server information from which a version of the software application can be determined(see col. 3, lines 43-51), receiving from the server a module link(i.e. unlock module) that corresponds to the version(see col. 4, lines 19-25), authenticating the module link(i.e. unlock module) by using a code that is unique to a user of the version of the software, the module link being used to enable the application core(i.e. protection module) to access one or more modules on the server that define the version-specific functionality,(see col. 2, lines 28-39, see col. 4, lines 18-25, 33-35); and to prevent the application core from accessing other modules on the server that define other functionality for the software that is not the version-specific functionality(see col. 3, lines 43-51), wherein the application core(i.e. protection module) comprises software that is common across multiple versions(i.e. trial versions) of the application(see col. Lines 58-67, col. 2, lines 1-4), the version includes one of the multiple versions, and the version-specific functionality includes

functionality that is specific to the version of the software application; wherein the client comprises a computer system(see col. 3, lines 43-51, col. 4, lines 18-25, col. 5, lines 1-15).

6. As per claims 3, 13, Floyd discloses wherein the received module link(i.e. unlock module) is encrypted (see col. 4, lines 51-67).

7. As per claims 4, 14, Floyd discloses wherein the received module link is encrypted with a public key that corresponds to the user (see col. 2, lines 37-41, col. 4, lines 52-63).

8. As per claims 5, 15, Floyd discloses sending to the server the public key used for encrypting the module link(see col. 4, lines 51-63).

9. As per claims 6, 16, Floyd discloses wherein the module link enables the application core(i.e. trial DLL) access to the version-specific functionality by enabling the application core to reference the one module(see col. 4, lines 18-25).

10. As per claims 7, 17, Floyd discloses wherein the module link enables the application core to access the version-specific functionality by enabling the application core to download one module and to incorporate the one module into the application core(see col. 1, lines 52-66, col. 2, lines 1-4, col. 3, lines 5-10, 24-26, 43-66).

11. As per claims 8, 18, Floyd discloses wherein the module link comprises configuration settings for the application core(see col. 4, lines 3-7, 18-25).

12. As per claims 9, 19, Floyd discloses wherein the information comprises identification information(i.e. license the user purchased) that corresponds to the user; and wherein the version of the software application is determined using the identification information(see col. 2, lines 38-41, col. 3, lines 52-66) .

***Claim Objections***

13. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

14. The Applicant responded on 9/1/09. Applicant's arguments filed 9/1/09 have been fully considered but they are not persuasive.

15. Claims 20-21, 23-28 were previously allowed. The 101 rejection has been withdrawn; the Applicant has amended to overcome 101 rejection.

16. The Applicant argues the newly added limitation of the module link being used to enable to the application core to access one module on a server that define the version-specific functionality, and to prevent the application core from accessing other modules on the server that define other functionality for the software that is not version-specific functionality is not disclosed in Floyd. The Examiner disagrees with the Applicant.

17. Floyd discloses that the unlock module(i.e. module link) is used to enable the protection module(i.e. application core) to access one module that defines the version-specific functionality, the unlock module contains a module that defines a particular version(see col. 2, lines 1-5, 13-26). Floyd discloses that the application core is prevented from accessing another module that is not a functionality of the software because each trial has an application core, and each Try/Buy version may be different. Thus, the application core will access the version specific functionality

of that specific Try/Buy software(see col. 3, lines 43-52). Second, Floyd discloses that the user can obtain the Buy version from a merchant(i.e. server)(see col. 5, lines 1-15).

18. The Examiner urges the Applicant to contact the Examiner in order to reduce prosecution.

***Final Action***

**19. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 4, 2009  
/J. E. J/  
Examiner, Art Unit 2439

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2439